

Notice of Allowability

Application No.

10/825,651

Applicant(s)

HUR ET AL.

Examiner

Timothy C. Vanoy

Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview of Apr. 3, 2006.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 12/21/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date Apr. 3, 2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


STANLEY S. SILVERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to the applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Stephen Peterson, applicants' attorney, on Apr. 3, 2006.

The application has been amended as follows:

In claim 2 line 3, replace "having" with --of--.

In claim 3 line 2, replace "Clam" with --Claim--.

In claim 4 line 2, replace "Clam" with --Claim-- and also replace "said" with --the--

In claim 5 line 2, replace "Clam" with --Claim-- and also replace "said organic polymer is" with --the polymer colloidal particles are--.

In claim 6 line 2, replace "Clam" with "Claim" and also replace "said" with --the--.

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The applicants' claimed composition $\text{La}_{1-x}\text{Ca}_x\text{Sr}_y\text{MnO}_3$ where $0.25 < x < 0.35$ and $0 < y \leq 0.35$ and claimed method for preparing it is not taught or suggested by any of the references of record. Note that the article titled "A Macroporous Perovskite Manganite from Colloidal Templates with a Curie Temperature of 320 K" by Chi et al. discloses

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$\text{La}_{0.7}\text{Ca}_{0.3}\text{MnO}_3$ (please see pg. 1929, col. 2, 1st full paragraph), but does not teach or suggest the claimed $\text{L}_{1-x}\text{Ca}_x\text{Sr}_y\text{MnO}_3$.

Any comments considered necessary by the applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

DRAWINGS

The applicants' drawings filed on 04/16/2004 have been approved by the examiner.

The following references are made of record:

U. S. Patent App'n. Pub. US 2006/0045840 A1 disclosing a process for preparing perovskite-type crystalline compound powders;

U. S. Patent App'n. Pub. US 2006/0018815 A1 disclosing a perovskite complex oxide and catalyst;

U. S. Patent App'n. Pub. US 2005/0266297 A1 disclosing a perovskite-based fuel cell electrode and membrane;

U. S. Patent App'n. Pub. US 2004/0247511 A1 disclosing a method for producing perovskite complex oxide and also a precursor substance used in the method, and

U. S. Patent App'n. Pub. US 2004/0191150 A1 disclosing a perovskite complex oxide and method for producing the same.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy C. Vanoy whose telephone number is 571-272-8158. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Timothy C Vanoy
Timothy C Vanoy
Patent Examiner
Art Unit 1754